



500 N. Akard Street  
1800 Ross Tower  
Dallas, Texas 75201  
Main: 214-965-9900  
Fax: 214-965-0010  
Web: www.njdhs.com

Julie P. Doshier  
Direct: 214-665-3372  
Email: jdoshier@njdhs.com

**November 15, 2018**

**VIA CMRRR**

PredPol, Inc.  
Attn: Kaitlyn Garnett  
P.O. Box 2870  
Santa Cruz, CA 95063

**In Re: Public Information Request Received from Caroline Haskins by the City of Farmers Branch, Texas on November 1, 2018 Requesting Records Related to PredPol**

Ms. Garnett:

Please be advised that the undersigned serves as legal counsel for the City of Farmers Branch, Texas (hereinafter, the "City"). The City has received a formal request from Caroline Haskins requesting various information related to PredPol. A copy of the request for information is enclosed. The responsive information includes the City's previous agreements with PredPol.

The Office of the Attorney General is reviewing this matter and will issue a decision on whether Texas law requires the City to release these records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your company's documents by submitting written arguments to the attorney general that one or more exceptions apply to the records. You are not required to submit arguments to the Attorney General, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the Attorney General will more than likely rule that the records must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth business day after the date you receive this notice.**

If you choose to submit arguments to the Attorney General, you must:

- a. Identify the legal exceptions that apply;
- b. Identify the specific parts of each document that are covered by each exception; and,
- c. Explain why each exception applies. Gov't Code §552.035(d).

A claim that an exception applies without further explanation will not suffice. *Texas Attorney General Opinion H-436*. We will provide the Attorney General with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The Attorney General is generally required to issue a decision within 45 working days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, TX 78711-2548

**In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General.** *Tex. Gov't Code §552.305(e)*. The requestor's email address is as follows:

[63105-64932981@requests.muckrock.com](mailto:63105-64932981@requests.muckrock.com)

You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. *Tex. Gov't Code §552.305 (e)*.

### **Commonly Raised Exceptions**

In order for a governmental body to withhold requested information, specific tests or facts for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise:

#### **Section 552.101: Information Made Confidential by Law**

Open Records Decision No. 652 (1997).

#### **Section 552.104: Information Related to Competition or Bidding**

#### **Section 552.110: Trade Secrets and Commercial or Financial Information**

##### Trade Secrets:

*Hyde Corp. v. Huffines*, 314 S.W.2d 763, 776 (Tex.), *cert. denied*, 358 U.S. 898 (1958).  
Open Records Decision No. 552 (1990).

##### Commercial or Financial Information:

The commercial or financial information prong of section 552.110 was amended by the Seventy-sixth Legislature. The amendment became effective September 1, 1999. At the

November 15, 2018

---

time of publication of this form, there were no cases or opinions construing the amended provision.

*Birnbaum v. Alliance of Am. Insurers*, 994 S.W.2d 766 (Tex. App.--Austin 1999, pet. filed) (construing previous version of section 552.110).

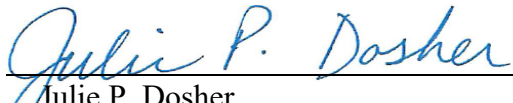
*National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).  
Open Records Decision No. 639 (1996).

If you have questions about this notice or release of information under the Act, please feel free to refer to the Public Information Handbook published by the Office of the Attorney General or contact the Attorney General's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To obtain copies of the Public Information Handbook or Attorney General Opinions, including those listed above; please visit the attorney general's website at <http://www.oag.state.tx.us> or call the Attorney General's Opinions Library at (512) 936-1730.

Please contact my office immediately if you would like to review copies of your company's records that are subject to this request.

Sincerely,

NICHOLS, JACKSON, DILLARD,  
HAGER & SMITH, L.L.P.

By:   
Julie P. Doshier  
Senior Associate Attorney

Enclosure

/JPD

cc: Caroline Haskins  
63105-64932981@requests.muckrock.com

Police Department, City of Farmers Branch, Texas

Office of the Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, TX 78711-2548